

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CASSANDRA LEWIS,	:	
Plaintiff,	:	
	:	Case No. 3:08cv00079
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
MICHAEL J. ASTRUE,	:	
Commissioner of the Social	:	
Security Administration,	:	
	:	
Defendant.	:	
	:	

**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
FILED ON FEBRUARY 24, 2009 (Doc. #15); VACATING THE
COMMISSIONER’S NON-DISABILITY FINDING; MAKING NO FINDING AS
TO WHETHER PLAINTIFF IS UNDER A “DISABILITY” WITHIN THE
MEANING OF THE SOCIAL SECURITY ACT; REMANDING THE CASE TO
THE COMMISSIONER AND THE ADMINISTRATIVE LAW JUDGE UNDER
SENTENCE FOUR OF 42 U.S.C. §405(g) FOR FURTHER CONSIDERATION
CONSISTENT WITH THIS DECISION AND WITH THE REPORT AND
RECOMMENDATIONS; AND TERMINATING THE CASE ON THE DOCKET
OF THIS COURT**

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #15), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on February 24, 2009 (Doc. #15) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is **VACATED**;
3. No finding is made as to whether Plaintiff Cassandra Lewis was under a "disability" within the meaning of the Social Security Act;
4. This case is **REMANDED** to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. §405(g) for further consideration consistent with this Decision and the Report and Recommendations; and
5. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge